Managing Movements of People for Security and Prosperity in East Asia: Roles of Civil Society

Summaries of Papers

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Ever since its economic reform and opening in 1978, China has been experiencing huge migration flows internally and internationally. A large number of new migrants from China have settled on every continent in the world in the past three decades. While the traditional brain drain is still a concern of policymakers, returning expatriates and foreign talent provide new human resources for the next stage of national development. China is adapting to become a new destination country and has changed its legal and administrative system accordingly, though the system is still not sufficiently operational due to its lack of concrete rules.

This chapter depicts contemporary migration patterns within, from, and to China and discusses civil society activities targeting different groups of migrants, as well as the relationship between civil society and the state. Based on three representative cases—associations of returnees, foreign organizations in Beijing, and international nongovernmental organizations (NGOs) targeting North Korean defectors—it reveals that different types of NGOs, including government-organized NGOs, grassroots groups, and international NGOs, have all gotten involved in the migration process. As representatives of civil society in China, they are playing a considerable role in some important migration issues. All of them have provided services and assistance for particular migrant groups, where the state has been incompetent, oblivious, or reluctant to meet people’s needs or demands.

The three cases also reveal the interactions between the NGOs and the state. The Chinese government shows different attitudes and takes different measures toward the NGOs’ practices, depending on their type and whether their activities serve the state or nation’s interests. For example, the state is generally supportive of associations of returnees and allows certain autonomy for foreign organizations in Beijing, but it can be repressive of international NGOs targeting North Korean escapees. Although these NGOs in China face different internal and external challenges, their common problem is still institutional in the Chinese context.

With regard to the management of migration, this chapter also gives some specific suggestions while taking three factors into consideration: China’s national interests, protection of migrant rights, and participation of civil society. Overall, civil society would make greater contributions in solving migration issues if China were to build an environment more favorable to state-NGO relations and to provide a more tolerable environment for their development.
Indonesia’s position toward migration cannot be singularly defined. Traditionally a sending country, in recent years it has also become a major transit point and, to some extent, a receiving country as well. Choosing the first vantage point, that of a sending country, this chapter focuses on the outmigration of Indonesia’s unskilled labor, particularly because it remains the primary area of concern for Indonesian civil society, whose roles and initiatives in advancing safe migration are explored in this chapter.

An overview of labor outmigration reveals the heavy market orientation and predominant role of private recruitment agencies in the prevailing overseas deployment scheme. Meanwhile, institutionalization and development of coordination among government agencies tasked with the management of migration did not materialize until the early 2000s. Despite the delay in the establishment of proper regulations and policy measures, migration has always been a feature in Indonesia’s national development plans, and migrants have been characterized by their continued contributions through remittances. In the case of Indonesia, labor outflow conforms to the worldwide trend toward feminization of migration. It is also distinctly defined as persistently perpetuating irregular migration, which increasingly has become a major point of contention in the region. A host of interrelated factors contribute to this prolonged issue, and upon closer examination the locus of the problem appears to be situated more in the emigration system rather than the border-crossing migrants themselves.

Like the state’s involvement, active civil society participation in migration issues is widely considered to have occurred rather late, initiated by women’s NGOs in the 1990s. Such a view risks overlooking the roles of mass organizations, which have arguably provided services for a longer period under a largely more development framework. Migrant workers unions have also emerged, adding more legitimacy of representation to the overall migrant worker movement. Indonesian, migration CSOs take up various functions and cover a wide range of issue areas pertaining to migration, closing some protection and provisional gaps resulting from flaws in the current sending system. As state-channeled migration does not necessarily entail effective protection or humane processes, migration CSOs differ in their approaches in promoting safe migration. Some nongovernmental organizations and migrant workers unions tend to take a more political stance and focus on policy advocacy in amending the outmigration system. A central demand is revising the problematic Law No. 39/Year 2004, which is currently the main legal framework stipulating principles of Indonesia’s migration policy.

While transnational links have always been important to Indonesian migration CSOs, problems remain with organizing at the national level, as evidenced in the failure and short life spans of some coalition networks. Major changes in the system seem unlikely in the absence of effective national coordination. Despite constraints and, migration CSOs in Indonesia continue to play a crucial role, as they are the actors most predisposed to ensure people-oriented migration processes and practices. Future CSO involvement in labor outmigration might benefit more from a less oppositional standpoint. In the coming years, closer partnership with the government would be sensible as sending and receiving states increasingly formalize and systemize temporary labor migration.
Japan is an island country with a very homogeneous population of 1.27 million people. With abundant and highly educated human resources, Japan has become a global industrial power without relying on immigrants. Given this geo-social nature, Japan has very limited experience with accepting immigrants, especially since World War II.

Under these circumstances, Japan has a very small number of foreign residents compared with other advanced countries. The number of foreign residents in Japan only amounts to 2 million, and Japan ranked 151st in the world in 2010 according to the World Bank. As of June 2014, the number of foreign residents living in Japan was 2.08 million; 1.69 million of whom are from other Asian countries, 240,000 of whom are from South America, 63,000 of whom from North America, and 61,000 of whom are from Europe. Nationality-wise, 649,000 Chinese nationals live in Japan, along with 509,000 people from Korea; 214,000 from the Philippines, and 78,000 from Brazil.

Japan has faced the dual challenges of depopulation and rapid aging in recent years. To cope with the shortage of workers due to depopulation, the Japanese government has focused on using female and elderly workers. However, it has not yet started a discussion of changing immigration policy. The immigration issue is an especially sensitive issue at a time when Japan has delicate relationships with its neighboring countries. In addition, many Japanese citizens have negative and even irrational views of immigrants, so there has been a serious lack of objective discussion on immigration issues.

Instead of developing a full-fledged immigration policy, the Japanese government has begun by expanding its Technical Intern Training program. This program officially aims to transfer technology from Japan to developing countries by inviting human capital to Japan. However, in reality this system has been used to hire transient low-skilled and low-waged foreign workers at small local companies that cannot find Japanese workers. In addition to the widening gap between official purpose and real practice, instances of malpractice, such as unlawful overtime and underpaid conditions, are rampant and violations of human rights have been observed such that the program has been criticized internationally.

The role of civil society organizations (CSOs) working for migrants in Japan is two-fold. Most CSOs work at the grassroots level. They help foreign residents in their daily lives in a variety of ways, such as providing Japanese language education, helping students achieve academically, providing medical assistance, and conducting exchange activities with Japanese citizens. These activities are called tabunka kyosei (multicultural coexistence), which has been practiced widely by both CSOs and local governments.

Another role of CSOs is serving as a watchdog to protect human rights for migrant workers, especially those who come to Japan under the Technical Intern Training program. They also have proposed an alternative to the Technical Intern Training program. A national NGO, Solidarity Network with Migrants Japan, is a typical example. In spite of its hard work and active campaigning, its influence on political decisions, while not nonexistent, is limited. The Japanese government should have full-scale immigration policies. This is important because it will help solve the problems that migrants in Japan face. But at the same time, it is imperative that Japan tackle the more critical and profound problems with depopulation that
directly affect the sustainability of Japan’s future. In this sense, the role of CSOs is quite important. This role includes not only helping foreigners but also educating Japanese people about the positive role of migrants in Japanese society and providing a healthy forum for discussion on immigration policies for Japan.
Korea is a favored destination for migrants, mainly Asian. The number of foreign residents has increased 23 times from 66,688 in 1993 to 1.58 million in 2013, which constitutes approximately 3 percent of Korea’s total population. This rapidly increasing trend in migration has become a key social phenomena in Korea, affecting every dimension of society, including politics, economy, and culture.

This chapter offers a brief overview of the institutional framework for Korea’s policy regarding foreign unskilled workers and of the civil society organizations (CSOs) that act on behalf of migrant workers in Korea. By analyzing civil society and its relationship with the state, the chapter explores the extent to which CSOs and social movements for migrant rights have contributed to changes in state immigration policies in Korea. Finally, it discusses new strategies of migrant workers and civil society to promote the empowerment of migrant workers.

Korea officially began allowing inflow of foreign unskilled workers in the early 1990s. Since then, the institutional framework for Korea’s policy on foreign unskilled workers has mainly rested upon the Industrial Trainee System. In 2003, however, the Korean government introduced the Employment Permit System (EPS) in an effort to improve the overall regulatory framework, and it is the first institutional provision for the equal treatment of foreigners at the state level. Despite having formal rights under the EPS, migrant workers still experience a certain level of difficulty in the workplace and in their daily lives. It is not easy to determine whether they are actually able to exercise these rights because the Korean government sticks to a rotation principle for low-skilled workers, which excludes low-skilled migrant workers from policies aimed at allowing other migrants to integrate better into Korean society.

Consequently, since the early 1990s, a myriad of religious, human rights, labor, and migrant workers community organizations that constitute the Migrant Workers’ Support Organizations (MWSOs) have acted to raise the profile of the human rights problems of migrant workers in Korean society, and they have also pushed the government to improve its labor importing systems and create social protection for migrant workers. Thanks to the MWSOs’ long advocacy, foreign workers’ rights are increasingly recognized in Korea.

Since early 2000s, however, the MWSOs have begun to question their role as engagement in activities solely around national issues for the protection and promotion of migrant worker rights. In response, the Migrants Trade Union (MTU) was established under Korean Confederation of Trade Unions in 2005 as an independent union for migrant workers of all nationalities. The MTU works with other migrant-related organizations, which are acting collectively more often, and through MTU activities migrant workers and their communities have joined the political discussion on Korean policies. Moreover, the MTU is still building its network, but it has been able to respond to the tenuous position that migrant workers are in by building relationships with CSOs and migrant community organizations in Korea, as well as continuing the relationship with union members after they return home by making contact with organizations in sending countries.
The experience of the MTU shows that we need to look at the situation from a broader perspective. CSOs can take advantage of this and build relationships to empower migrant workers to stand up for their rights themselves in both originating and destination societies. Through these activities, temporary migrants gain the skills to take on new struggles when they return home or migrate to another country.
Movement of people within and across the borders of Myanmar can be broadly classified into three categories: 1) internal migration for economic purposes; 2) displacement due to conflict; and 3) migration across borders for work or as a result of conflict.

According to the International Organization for Migration, Myanmar has become the largest migration source country in the Greater Mekong Sub-region. In 2013, an estimated 10 percent of Myanmar’s total population worked abroad.¹ A 2014 Asian Development Bank Institute report notes that in 2010, 62 percent of outward labor migration from Myanmar was to other ASEAN countries.¹⁰ In ASEAN, Myanmar migrants are mainly found in Singapore, Thailand, and Malaysia, with the majority in Thailand. Myanmar’s Ministry of Labour, Employment and Social Security has appointed labor attaches to its country’s embassies in Singapore, Thailand, Malaysia, South Korea, and Kuwait.³³

Most Myanmar migrants in Singapore fall under the category of “foreign talent,” with tertiary-level qualifications in high-skilled professions, but there are also contract workers. Recently, the number of Myanmar domestic helpers taking up employment in Singapore has also increased. Inflows from Myanmar to Thailand generally fit into three categories: registered workers, those who go through national verification, and those were recruited directly and formally from Myanmar. The Ministries of Labour of both countries have started a process (launched on June 30, 2014) to issue temporary registration cards for Myanmar workers in Thailand. Myanmar workers are also a significant part of Malaysia’s migrant labor workforce, with many employed in construction-related jobs. But a large number are still invisible. Following clashes between Myanmar workers and Malaysians in May and June 2013, the Myanmar government repatriated over 67,000 migrant workers in early 2014.⁴⁴ One understudied but important area is northward migration from Myanmar to China, with a large proportion of those migrants being women⁵.

Myanmar has yet to accede to the 1949 ILO Migration for Employment Convention, the 1951 and 1967 Refugee Conventions, the 1975 Migrant Workers Convention, or the 1990 UN Migrant Workers Convention. It has, however, ratified the 1989 Convention on the Rights of the Child, the 2000 Human Trafficking Protocol, and the 2000 Migrant Smuggling Protocol.

Government responses to the movement of people have thus far lacked policy coherence. The Ministry of Labour, Employment and Social Security has undertaken some measures to address concerns over workers’ rights and other issues. Myanmar’s director-general for labour participates in the ASEAN Committee on Migrant Workers, which is currently negotiating a legally binding instrument to implement the 2007 ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers.

As regards Myanmar’s civil society and its capacities, the mobilizing strength lies in the collective social spirit that transcends politics and enables people to come to each other’s aid in times of crisis when government machinery breaks down. This accentuates the value-driven engagement and commitment of Myanmar civil society and its ability to collectively mobilize responses. There are also several “employee protection NGOs” that not based in Myanmar but rather work to represent the rights of and protect Myanmar workers abroad.
With support, Myanmar civil society organizations can take on more active roles in advocacy, both to strengthen information systems and capacity-building programs for potential migrants, as well as to provide more coordination among existing policies. Civil society in third countries can assist with advocacy for the protection of the rights of Myanmar migrants and advise them on repatriation issues. Myanmar’s migration situation highlights the need for further research through a combined approach of policy, research, and advocacy.

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1 http://www.irrawaddy.org/burma/10-percent-of-burmese-work-abroad-migration-expert.html Note, however, that in 2013, the population of Myanmar was still estimated at close to 60 million.


4 Ibid.

THE PHILIPPINES

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Oversea employment is seen by many Filipinos as the only viable option to escape poverty and unemployment. Since the 1970s, overseas labor migration from the Philippines has become highly institutionalized. The Philippines is a leader in overseas labor out-migration management and institutionalization. Other countries have much to learn from the experience of the Philippines in this regard, especially in terms of how overseas employment has played a key role in the country’s (national and local) development policies and programs.

Over the last four decades, millions of Filipinos have left the country to work abroad. A substantial portion of these migrants are women who take on jobs primarily in the domestic service sector. Many of these Filipino migrant workers are highly educated and possess professional employment backgrounds. A majority of migrants leave the country for the purpose of providing for their children’s education and for addressing other basic family needs. Today, no less than 8 million Filipinos are said to be living and working in over 150 countries worldwide. Despite the high degree of its institutionalization, the government’s overseas employment program is still beset by many challenges and problems, most notable among them being the abuses and injustices committed against Filipino migrant workers abroad.

This chapter seeks to examine the ways in which civil society organizations (CSOs) are able to impact the management of the movements of people (specifically workers) across borders. CSOs function primarily as an alternative mechanism to both the market and the state and provide much-needed public goods. The Philippines has a vibrant CSO community, and the chapter attempts to describe how such CSOs are able to engage Filipino migrant workers in response to the failures of both the state and the market. The chapter argues that Philippine migration CSOs perform an important mediating role between the migrant workers, the state, and the market in terms of providing the migrants with a platform where they can vent their concerns to and on both the state and the market. Such migration CSOs are able to articulate an alternative framework and plan of action that allows for both the state and the market to be more sensitive to the needs of Filipinos employed abroad as well as their families in the Philippines. The chapter makes use of the cases of migration CSOs in the Philippines and Hong Kong to illustrate the ways in which such nongovernment organizations (NGOs) have managed to take the lead in protecting and promoting the rights and welfare of Filipinos overseas.

Especially since 1986, CSOs have been operating openly and legally in the Philippines. They are seen as a key pillar of society and politics in the country, and their participation is constitutionally guaranteed. Migration CSOs in the Philippines have been highly responsive to the perceived inefficiencies, weaknesses, and limits of the state (primarily) and the market (secondarily), particularly in the area of labor migration management. In not a few instances, these migration CSOs are also faith-based organizations.

Filipino migration CSOs operating in Hong Kong are a vibrant and peculiar group. Filipino migrants in Hong Kong are largely women, and in the typical migration discourse, such migrant
women are more prone to exploitation, abuse, and discrimination. One of the earliest migration CSOs established in Hong Kong is the Mission for Filipino Migrant Workers, a faith-based organization that is instrumental in the institutionalization of mechanisms to protect and promote the rights and welfare of foreign migrants in the former British colony.

CSOs have managed to articulate their problems with, as well as their criticisms of, the Philippine government from the perspective of what they think is in the interests of Filipino overseas migrants (especially women): the lack of political will on the part of the state to provide meaningful employment for its citizens; failure to address the country’s structural problems, most notably its reliance on International Monetary Fund and World Bank economic prescriptions; and the commodification of migrant labor and the short-sighted promotion of labor export. Despite its pro-migrant rhetoric, there is an unwillingness on the part of government to provide real protective mechanisms for migrant workers. This has always been the forte of migrant CSOs—the protection and promotion of the rights of Filipino and other migrant workers and the provision of a platform for the marginalized as well as a voice for the voiceless.1

Since its prehistory, Singapore has been home to immigrants. Currently, the Singapore government’s interest in bringing in globally mobile foreign talent centers around its desire to remain competitive in the global economy. Many low-waged migrant workers are also brought in to work in jobs that are less attractive to Singaporeans, such as those in the domestic service and construction industries.

Singaporeans have generally been accepting of immigration, partly because of the nature of Singapore as a country of migrants and partly because of the fact that immigrants for many years were seen as beneficial for economic development. However, the sudden influx of migrants in the period between 2008 and 2011 has resulted in at least some resentment among Singaporeans toward immigration. This unhappiness stems from an increased competition in the job market and for public goods, and from concerns that foreign-born immigrants are not as committed to the cause of nation building. A different set of issues results from immigration of lower-skilled workers. There is less expectation of a more transient migrant group to socially integrate. At the same time, some Singaporeans have expressed reservations about the notion of living in close proximity to and having to interact with low-skilled foreign workers.

Civil society organisations (CSOs) play an important role in the integration and protection of migrants in Singapore. Nongovernmental groups generally fall into two categories: those that serve as “junior partners” to the state and those that work in resistance to the state.

The first category includes a host of immigrant and cultural associations, as well as CSOs that provide welfare and social assistance to migrants within the state’s socio-political framework. Immigrant and cultural associations provide a sense of community and identity for immigrants in a foreign land and help them connect with locals. CSOs that have a social mission in mind provide professional and personal development programs aimed at better equipping foreign workers, common spaces for migrants to interact, and often counselling services.

On the other side of the spectrum are groups that more directly resist the legislative and policy framework of the state. There has been a fair bit of collaboration between groups in the migrant advocacy space. Together they have campaigned for better working conditions for migrant workers and against human trafficking. These groups have jointly produced reports on the plight of migrant workers, pointing out for instance how current laws are not always enforced, to the disadvantage of migrants.

While the government has not always welcomed the criticism of civil society, it has shown greater tolerance toward migration-related CSOs in recent years. This is probably because of Singapore’s dependence on foreign labor and its need to maintain Singapore’s position as a choice destination for such workers. Viable CSOs have to focus beyond advocacy for policy change to engage employers and the general Singaporean population who may not be forthcoming in supporting an increase in migrant worker rights. They have to include the discourse of migrant worker obligations rather than merely stressing migrant worker rights.
Under ‘the Age of Migration’ in Asia, Vietnamese migrant labor has increased sharply over the past decade and became more diverse. The annual number of people joining the migrant labor workforce has increased from less than ten thousand in the early 1990s to more than 100 thousand in 2014. Feminization of migrant labor has also been observed with an increase in women leaving Vietnam for employment abroad. Vietnam has strengthened its legal framework significantly since early 2000 and introduced the Labor Exporting Law in 2007 to manage labor migration and to protect migrant labor. The Department of Overseas Labor, known as DOLAB, was formed under the Ministry of Labor, Invalids and Social Welfare to take the lead in this area. It was estimated that migrant labor has brought around 2 billion US dollars per year into Vietnam in the form of remittances in recent years. However, along with the increase in migrant labor and revenue from these remittances, there are great fluctuations of emigration flows by country of destination, and significant salary differences according to the labor market. There has also been an increase in the proportion of low-skilled laborers, reports of illegal overstaying by emigrant labor, and many other negative stories associated with the security and prosperity of migrant labor, both in Vietnam and countries of destination.

Besides the Government of Vietnam and destination country governments, civil society has also provided support to Vietnamese migrant labor. In South Korea and Japan, international organizations and local migrant civil society organizations have played a significant role in protecting the rights and security of Vietnamese migrant laborers. In Vietnam, international organizations, especially the IOM and ILO, have provided great support. Recently in 2012, the IOM partnered with the Government of Vietnam to establish the Migration Resource Centre under the DOLAB as a pilot initiative to provide an information and advisory service to potential Vietnamese migrant laborers to ensure safe migration. The most common migrant civil society organizations seen in Vietnam are the labor exporting agencies, but these agencies are profit-based entities and there have been associated negative aspects, such as overcharging on fees, and abandoning laborers abroad. Migrant civil society itself has played a significant supporting role for the government and migrant laborers in both receiving and sending countries. While it has played a very limited role in Vietnam, there is great potential for it to support the government in providing social security and support to migrant laborers. The participation of Vietnam in the Task Force on ASEAN Migrant Workers is expected to strengthen collaboration between civil society, governments and trade unions for greater security and prosperity of migrant laborers. Finally, it is recommended to learn more about the social network of emigrant laborers, which is a part of migrant civil society, as it has provided and also has the potential to provide significant informal support to emigrant laborers.
Regional Frameworks for Managing Migration and the Role of Civil Society Organizations

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East Asia hosts over 10 million migrants, and in ASEAN, it is estimated that 1.5 million people leave their home countries annually to work overseas. The majority of the migrants in the region are temporary, low-skilled labor, working in sectors such as construction and domestic service. While migration has become a major feature of the region, governments in East Asia face challenges that stem from the large scale of irregular migration, which is said to account for up to 40 percent of all migration in Southeast Asia, as well as growing prevalence of human smuggling and trafficking.

Since the late 1990s, the region has put forward a number of frameworks to address migration-related issues, and ASEAN has been playing a central role on that front. The ASEAN Economic Community Blueprint adopted in 2008 has set the liberalization of the movement of skilled labor as one of its goals. As for broader immigration that includes low-skilled migrant workers, it adopted the Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007, which subsequently created the ASEAN Committee on Migrant Workers. Outside of ASEAN, regional consultative processes, such as the Colombo Process and the Abu Dhabi Dialogue, have been providing informal but useful venues for the governments in the region to discuss various migration issues.

However, progress has been slow and faces limitations. In particular, consensus building on migration has been very difficult in the region, which places emphasis on sovereignty and non-interference, while the governments of sending, receiving, and transit countries have widely varied interests that derive from different levels of economic development and from different political systems. Meanwhile, numerous bilateral arrangements exist, providing concrete measures for governments to control migration flow between two countries at the state level. But they also face limitations as migration grows more complex and spans beyond bordering countries. Bilateral agreements also tend to reflect the interests of receiving countries, in some cases affecting their effectiveness. Overall, the governments in the region tend to be reluctant to tackle migration issues, and this is particularly so from the perspective of migrant rights and human security, while many migrant workers continue to become targets of mistreatment and exploitation.

Against this background, the role of civil society groups has become disproportionately important, despite their limited size, capacity, and scope of operation. Civil society organizations (CSOs) have stepped in to respond and provide necessary assistance to migrants at the local level where public systems lag behind or are absent. Their expertise and hands-on experience working with migrants also make them an important player and information source, and give them the advantage when they engage in advocacy. There are also CSOs that work at the regional level, typically networks of organizations engaged in migration-related issues in their respective countries. They undertake regional advocacy, promote international norms, push for ratifications of international conventions, monitor states’ actions, and cultivate national leaders with better understanding of migration-related issues. They are catalysts that bring local-level experience and migrant-oriented perspectives into higher level political dialogue, and this can contribute to the construction of a better system, one that does not only address issues of migrants’ rights and human security but also manages migration flows more effectively and efficiently in order to achieve an orderly movement of people. Thus, greater
efforts are needed to support networking and capacity building of CSOs and to provide them with an environment where they can strive to realize their potential.